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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ROBERTO HERNANDEZ LEON,

Plaintiff,

v.

MERRICK GARLAND, Attorney General,
U.S. Department of Justice, *et al.*,

Defendants.

Case No. 3:23-cv-4901-LJC

**STIPULATION TO EXTENSION OF TIME FOR
DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S COMPLAINT; ~~PROPOSED~~
ORDER**

Pursuant to Civil Local Rules 6-2, the parties to this action hereby stipulate to a one-day extension of time for Defendants to file their motion to dismiss Plaintiff's complaint. Defendants will file their motion to dismiss on January 23, 2024. The parties make this request because the agency needs a brief period of additional time to review and finalize the motion. The remaining briefing deadlines for Defendants' motion and the motion hearing date, as approved by the Court, remain the same. *See* Dkt. No. 18. For these reasons, and as articulated below in the Declaration of Counsel, the parties respectfully request that the Court grant their stipulation.

1 Dated: January 22, 2024

Respectfully submitted,¹

2 ISMAIL J. RAMSEY
3 United States Attorney

4 s/ Elizabeth D. Kurlan
5 ELIZABETH D. KURLAN
6 Assistant United States Attorney
7 Attorneys for Defendants

8 Dated: January 22, 2024

9 s/ Josh F. Sigal
10 JOSH F. SIGAL
11 Sigal Law Offices
12 Attorneys for Plaintiff

13 **~~[PROPOSED]~~ ORDER**

14 Pursuant to stipulation, IT IS SO ORDERED.

15 Date: January 22, 2024

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17 LISA J. CISNEROS
18 United States Magistrate Judge
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28 ¹ In accordance with Civil Local Rule 5-1(i)(3), the filer of this document attests that all signatories listed herein concur in the filing of this document.

DECLARATION OF ELIZABETH D. KURLAN

I, Elizabeth D. Kurlan, declare and state as follows:

1. I am an Assistant United States Attorney in the United States Attorney's Office for the Northern District of California and counsel of record for the federal Defendants in the above-captioned action.

2. On January 12, 2024, the Court granted the parties' Stipulation to Proposed Schedule for Defendants' Motion to Dismiss Plaintiff's Complaint. *See* Dkt. No. 18. Although I have been working diligently to prepare Defendants' motion, I cannot complete and file it by the current due date because the agency needs additional time to review the motion.

3. On January 22, 2024, I contacted Plaintiff regarding Defendants' request for a brief extension of time to prepare their motion to dismiss, and Plaintiff consented to the request.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: January 22, 2024

s/ Elizabeth D. Kurlan
ELIZABETH D. KURLAN
Assistant United States Attorney